

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on December 1, 2014.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

November 3, 2014

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Burrill Dykhouse Lomonaco Palmer
 Postema VanderSluis

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Palmer to approve the minutes of the October 6, 2014 Board of Zoning Appeals meeting.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V140028 P.P. #41-17-36-351-015

Allied Mechanical

5920 Clyde Park Ave. S.W.

Zoned I-1

The application requesting two variances from the City of Wyoming Zoning Code as follows was read by Secretary Lomonaco:

1. Zoning Code Section 90-893 Nonresidential District Regulations specifies a minimum 100 foot lot width in this I-1 Light Industrial zoning district. The petitioner proposes to develop this Industrial property with an existing 67.85 foot lot width. The requested variance was a 32.15 foot reduction to the required 100 foot lot width.
2. Zoning Code Section 90-648 (4) Orientation of Overhead Doors specifies that overhead doors for truck loading areas shall not face the front yard. The proposed Industrial development would face an overhead door for a truck loading area toward Clyde Park Avenue. The requested variance was to allow the proposed truck loading overhead door.

Chairman VanderSluis opened the public hearing.

John Potvin, Allied Mechanical, said the property had been rezoned to industrial. They were looking for a variance on the required lot width to accommodate the driveway, and a variance for the placement of the overhead doors. They felt the best placement for the overhead doors was on the west side of the building. The Elite Training building would block the view of the doors from Clyde Park, allowing them to present the nicer side of the building to the U.S. 131 highway.

There being no further remarks, Chairman VanderSluis closed the public hearing. Cochran told the Board City staff has been working on this project for a couple of months. The property had been zoned B-2. At one time there used to be greenhouses on the property. The greenhouses were eventually demolished, and the property sat vacant. Elite Training received site plan approval for the construction of their new building. He displayed a picture showing the street view of the new Elite Training building. The property at been split at the time to meet the requirements for B-2 zoning which requires a 65' street frontage. The City rezoned the property to industrial in part because of the United Parcel System facility's site on the west side of Clyde Park as well the industrial properties to the south in Byron Center Township. Allied Mechanical received site plan approval from the Planning Commission in October, however there were two items that required a Zoning variance. One variance was a result of the lot split leaving a 65' lot street frontage. Since the new development proposes to use Elite Training's drive approach and driveway, the overall street frontage will look more like 100 feet wide. The second variance is for the overhead doors to be placed on the street side of the building. The building will be more than 790 feet from Clyde Park. Staff wrote finding of facts in support of the variance request for the Board's consideration.

Variance #1

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because in September 2014, this property and two adjoining properties were rezoned from B-2 General Business to I-1 Light Industrial. The primary factor in this rezoning was to accommodate the development of this proposed Allied Mechanical facility on this vacant parcel. Subsequently, on October 21, the Planning Commission granted site plan approval for the construction, subject to conditions including the authorization of two variances by the Board of Zoning Appeals. This first variance is to allow development upon an Industrial lot that is nonconforming in width. The I-1 district requirement is 100 feet of minimum lot width. This lot has 67.85 feet of lot width. A variance of 32.15 feet is requested. This lot was created from a much larger lot that also included the adjoining property to the west recently developed for Elite Training. Both properties were zoned B-2, which requires a minimum 65 feet of lot width. Both lots exceeded the minimum lot width requirement at that time. In addition, Allied Mechanical will derive its access from Clyde Park Avenue through the existing driveway to Elite Training. As such the functionality of the frontage is much larger than 100 feet for Allied Mechanical.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the property is constrained by the prior land division and subsequent development. The property may not be developed without authorization of the variance.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the development of Allied Mechanical is considered a benefit to the Wyoming community and will blend with adjoining developments. No detriment to the function of Clyde Park Avenue will occur with this development.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or

situation because this property was under a different zoning until recently. The change in zoning to accommodate this proposed use is not of a general or recurrent nature and does not make practicable the formulation of a general regulation.

Variance #2

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because this second variance is to allow the truck loading area and overhead door to be constructed facing the front yard. The front of the building will be set back 790 feet from Clyde Park Avenue and is shielded from view by the 47,700 sq. ft. Elite Training building. Allied is constructing a two-story 30,000 sq. ft. office warehouse building that is oriented with an enhanced façade to U.S. 131 (rear yard) for greater exposure. Allied envisions a future 30,000 sq. ft. expansion of this facility to the west. At the time of that expansion, the proposed loading dock area will no longer be in the front yard, but the side yard.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the petitioner has presented a reasonable development plan than will accommodate their current business needs and preserves their long-term expansion goals.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the orientation of the loading area will not impact adjoining properties. No detriment to the function of Clyde Park Avenue will occur with this development.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because the overhead door will be setback 790 feet from Clyde Park Avenue and is shielded from view by the Elite Training building. This situation is not of a general or recurrent nature and does not make practicable the formulation of a general regulation.

A motion was made by Burrill and seconded by Lomonaco that the request for a variance in application no. V140028 be granted accepting staff's Finding of Facts.

Motion carried: 7 Yeas 0 Nays (Resolution #5568)

There were no public comments at the meeting.

Canda Lomonaco
Secretary

CL:cb